



776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Leonard Burgess, Chief of Police

Date: January 27, 2015

RE: PROPOSED RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND RETIRING POLICE OFFICER FRESNEL J. DESIR TO RETAIN POSSESSION OF HIS CITY-ISSUED FIREARM FOLLOWING HIS RETIREMENT.

RECOMMENDATION

That the City Council adopt a resolution authorizing the City of North Miami to enter into an Agreement with Retiring Police Officer Fresnel J. Desir for possession of his City-issued firearm (Sig Sauer P229, 40 caliber, serial number AE43944) subsequent to his retirement on January 1, 2015.

BACKGROUND

Officer Fresnel J. Desir has been employed by the City of North Miami Police Department for 22 years and is retiring in good standing. Officer Desir agrees to indemnify and hold the City of North Miami and the Police Department harmless from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to said firearm.

Attachments

Proposed Resolution
Waiver & Hold Harmless Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE AWARD OF A CITY-ISSUED FIREARM TO RETIRED POLICE OFFICER FRESNEL J. DESIR IN RECOGNITION OF TWENTY-TWO (22) YEARS OF SERVICE TO THE CITY OF NORTH MIAMI AND THE NORTH MIAMI POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Fresnel J. Desir was a Police Officer with the City of North Miami Police Department, who retired on January 1, 2015 with twenty-two (22) years of service as a sworn law enforcement officer; and

WHEREAS, Retired Police Officer Desir was assigned a service firearm which he has utilized during his career as a Police Officer with the North Miami Police Department; and

WHEREAS, Retired Police Officer Desir has met Florida Department of Law Enforcement qualification standards with said firearm; and

WHEREAS, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

WHEREAS, Police Officer Desir retired in good standing and wishes to retain possession of his city-issued firearm (Sig Sauer P229, 40 caliber, serial number AE43944) effective on the date of his retirement, January 1, 2015; and

WHEREAS, the City of North Miami has no further use of the described firearm and wishes to award Retired Police Officer Desir with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers/detectives to have long term employment in the department.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority to Award. The Police Chief, by and through the City Manager, is authorized to award to Police Officer Desir, upon his retirement, his city-issued

firearm in recognition of his twenty-two (22) years of distinguished service to the City of North Miami and the North Miami Police Department.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of January, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, DO
Vice Mayor Carol Keys, Esq.
Councilperson Scott Galvin
Councilperson Philippe Bien-Aime
Councilperson Marie Erlande Steril

_____ (Yes)	_____ (No)
_____ (Yes)	_____ (No)
_____ (Yes)	_____ (No)
_____ (Yes)	_____ (No)
_____ (Yes)	_____ (No)

WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT

ON THIS _____ day of _____, 2015, the undersigned Fresnel J. Desir does warrant and state the following:

Whereas, the undersigned was a Police Officer with the City of North Miami Police Department, who had over twenty-two (22) years of service as a sworn law enforcement officer; and

Whereas, the undersigned was assigned a service firearm which he has utilized during his career as a Police Officer with the North Miami Police Department; and

Whereas, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

Whereas, the undersigned has met Florida Department of Law Enforcement qualification standards with said firearm; and

Whereas, the undersigned retired in good standing and wishes to retain possession of his city-issued firearm (Sig Sauer P229, 40 caliber, serial number AE43944), effective on the effective date of this resolution; and

Whereas, the City of North Miami has no further use of the described firearm and wishes to award the undersigned with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers to have long term employment in the department.

The undersigned hereby agrees to indemnify and hold harmless the City of North Miami, Florida and the City of North Miami Police Department from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to possession and usage of said firearm regardless if claims of action, causes of action, damages and losses are suffered by the undersigned or a third party.

The undersigned agrees to abide by any and all laws of the State of Florida governing possession of a firearm by a retired police officer including, but not limited to, taking any courses required to stay proficient in the use of said firearm.

The undersigned further agrees to carry in his possession identification as a retired City of North Miami law enforcement officer (i.e. retired police officer) while in possession of such firearm.

The undersigned, his assigns, successors and heirs, waives any claims, causes of action or losses which he has or may have in future against the City of North Miami and/or the City of North Miami Police Department regarding the award of said firearm.

SIGNED AND WITNESSED on this _____ day of _____, 2015.

WITNESS:

FRESNEL J. DESIR

Print Name